

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TROY ANDERSON,
Plaintiff,
v.
WARDEN, et al.,
Defendants.

Case No. [19-cv-06120-JSW](#)

**ORDER VACATING SECOND
AMENDED PETITION; DENYING
REQUEST TO REPLACE CLAIMS;
INSTRUCTIONS TO CLERK**

(ECF Nos. 143, 144)

Petitioner, a California prisoner proceeding pro se, filed this habeas petition. The operative pleading is the first amended petition (“FAP”). Three of the four claims in the FAP were dismissed for procedural default. Petitioner was not given leave to amend, nor did the order indicate the dismissal of these claims was without prejudice. Respondent was ordered to answer the one remaining claim, which he has done. Petitioner has filed a “notice” that he is filing a second amended petition (“SAP”), which was erroneously docketed as a “Traverse,” and a request to replace two of the claims in the proposed SAP. (ECF Nos. 143, 144.)

Petitioner cannot file the SAP because he was not given leave to amend to do so. Nor would such leave be granted, had he requested it. First, the SAP includes the previously-dismissed claims that were dismissed without leave to amend. Second, the proposed SAP approximately 600 pages, and it is presented in an entirely disorganized and incoherent manner: there are multiple signature pages, arguments abruptly start and stop, sometimes mid-sentence, many pages are not paginated and the pagination that appears is incoherent, and to the extent there are exhibits included they are neither labeled nor indexed. The Court will not parse through 600 pages of disorganized papers to attempt, likely in vain, to assemble Petitioner’s arguments and claims.

Accordingly, Petitioner’s “notice” of a second amended petition (ECF No. 143) is

VACATED. Petitioner's request to replace claims in the SAP is DENIED.

The Clerk shall correct the docket entry 143 to reflect that it is a "Notice of Filing a Second Amended Petition" and not a Traverse.

IT IS SO ORDERED.

Dated: November 13, 2025


JEFFREY S. WHITE
United States District Judge

United States District Court
Northern District of California